



**City of Bellevue
Development Services Department
Land Use Staff Report**

Proposal Name: Scott Buffer Modification

Proposal Address: 407 Detwiller Lane

Proposal Description: Critical Areas Land Use Permit to permanently disturb 375 square feet to place a fire pit and seating area within a 50-foot buffer from a steep slope critical area and install mitigation planting in a steep slope.

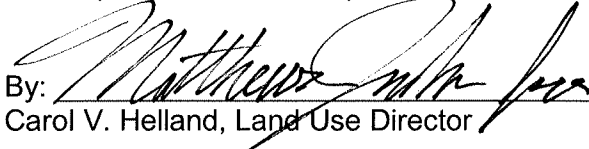
File Number: 12-104815-LO

Applicant: Phil and Leslie Scott, Property Owners

Decisions Included Critical Areas Land Use Permit
(Process II. 20.30P)

Planner: Reilly Pittman, Land Use Planner

**State Environmental Policy Act
Threshold Determination:** **Determination of Non-Significance previously
issued on September 1, 2011**

Director's Decision: **Approval with Conditions**
Michael A. Brennan, Director
Development Services Department
By: 
Carol V. Helland, Land Use Director

Application Date: February 3, 2012
Notice of Application Date: February 16, 2012
Decision Publication Date: March 8, 2012
Project Appeal Deadline: March 22, 2012

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Appeal of the decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

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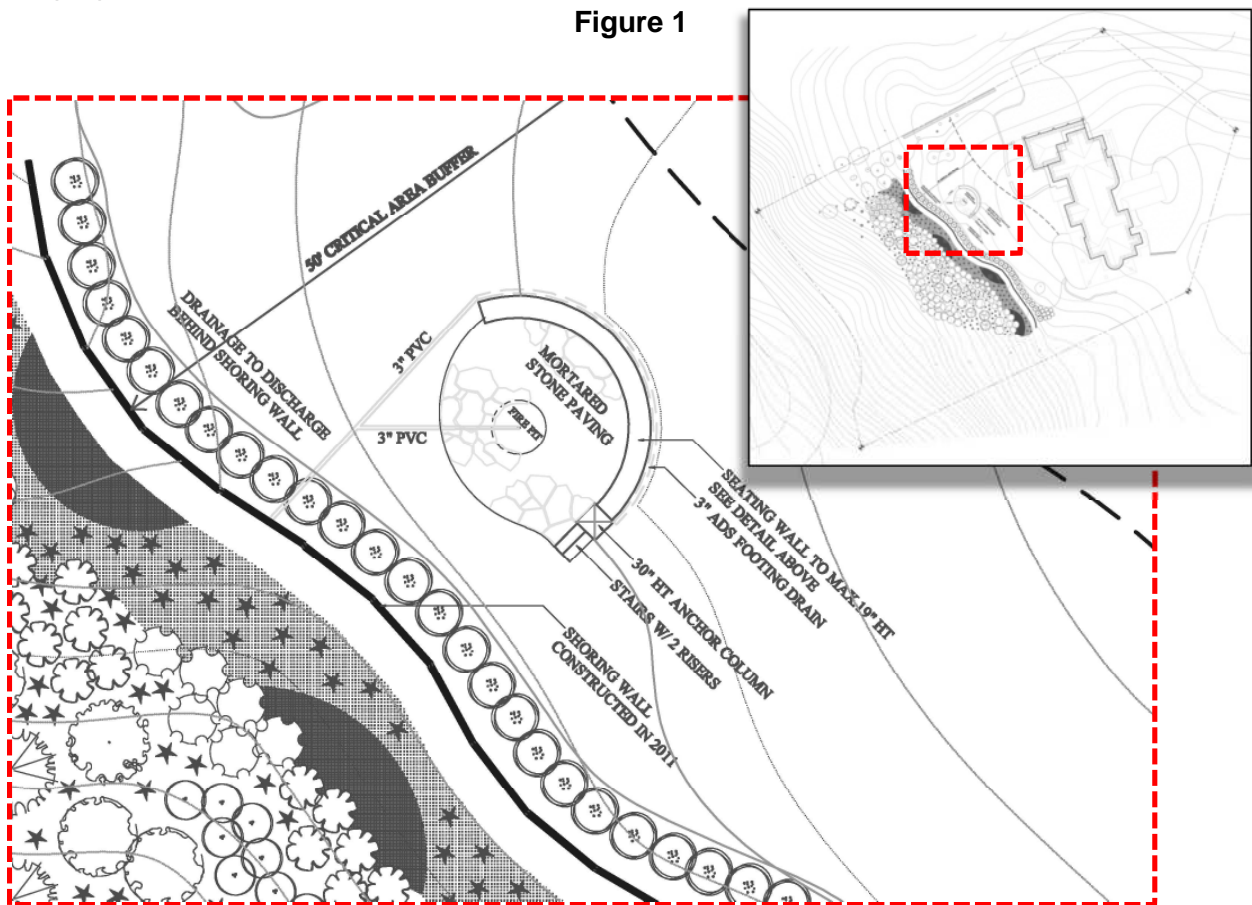
Attachments

1. Site Plan – Enclosed
2. Restoration Planting Plan – Enclosed
3. Geotech Letter on the fire pit prepared by Associated Earth Sciences – In File
4. Application materials – In File

I. Proposal Description

The applicant proposes to construct a fire pit and seating area within the 50-foot buffer measured from the top-of-slope of a steep slope critical area. A prior permit (11-119016-LO) allowed the construction of a soldier pile at the top-of slope for stabilization and required vegetation planting on the steep slope below the wall in order to repair a prior landslide. This proposal is to reduce the slope buffer to 10 feet only in the area of the fire pit to allow it to be constructed. This proposal requires the approval of a Critical Areas Land Use Permit for the improvements to be allowed. See Figure 1 below for a site plan showing the proposal.

Figure 1



II. Site Description, Zoning, Land Use and Critical Areas

A. Site Description

The project site is located at 407 Detwiller Lane in the Southwest Bellevue subarea of the City. Other developed single-family zoned properties are located to the north, east, and south. The property is adjacent to 97th Pl. SE to the west, which separates the property from Chism Beach Park. The property obtains vehicle access from Detwiller Lane which is adjacent to the northwest. The steep slope critical areas on the property are located along the western half of the property, sloping steeply upward from 97th Pl. SE. A soldier pile wall has been constructed at the top-of-slope under prior approvals. The fire pit and seating area will be placed above the wall. See Figure 2 for existing site condition photos showing the fire pit location.

Figure 2



B. Zoning

The property is zoned R-1.8, single-family residential and the proposed fire pit is consistent with the primary single family use.

C. Land Use Context

The property has a Comprehensive plan Land Use Designation of SF-L (Single Family Low Density). A fire pit is consistent with this residential land use.

D. Critical Areas On-Site and Regulations

i. Geologic Hazard Areas

Geologic hazards pose a threat to the health and safety of citizens when commercial, residential, or industrial development is inappropriately sited in areas of significant hazard. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided (WAC 365-190).

Steep slopes may serve several other functions and possess other values for the City

and its residents. Several of Bellevue's remaining large blocks of forest are located in steep slope areas, providing habitat for a variety of wildlife species and important linkages between habitat areas in the City. These steep slope areas also act as conduits for groundwater, which drains from hillsides to provide a water source for the City's wetlands and stream systems. Vegetated steep slopes also provide a visual amenity in the City, providing a "green" backdrop for urbanized areas enhancing property values and buffering urban development.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The R-1.8 zoning dimensional requirements found in LUC 20.20.010 apply to the proposed fire pit and seating area. The plans submitted generally demonstrate conformance with zoning dimensional standards, however conformance will be verified during permit review.

B. Critical Areas Requirements LUC 20.25H:

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) establishes performance standards and procedures that apply to development on any site which contains in whole or in part any portion designated as critical area, critical area buffer or structure setback from a critical area or buffer. The proposed fire pit and seating area will modify the 50-foot top-of-slope buffer. The project is subject to the performance standards found in LUC 20.25H.125 which are reviewed below.

i. Consistency with LUC 20.25H.125

Development within a landslide hazard or steep slope critical area or the critical area buffers of such hazards shall incorporate the following additional performance standards in design of the development, as applicable. The requirement for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function.

- 1. Structures and improvements shall minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to existing topography;**

The fire pit and seating area are not placed within a steep slope critical area. The proposed seating area uses a wall which is designed to fit into the topography.

- 2. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;**

No construction is proposed in the steep slope critical area and the only vegetation impacted is the existing lawn above the wall.

- 3. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;**

The project geotechnical engineer (Associated Earth Sciences) reviewed the proposal and provided recommendations. The prior construction of the soldier

pile wall was evaluated by the same geotechnical engineer who found that the wall “effectively mitigated the risk of damage to the developed (landscaped) portion of the yard” (Geotech Report Supplement, Pg. 2). The wall construction, slope regarding, and the vegetation installed below the wall on the slope “provided mitigation for the risk of future movement along the slope below the wall” (Pg. 2). The proposed fire pit and seating area is within the top-of-slope buffer but is above the wall in an area which has been stabilized by the prior wall construction. The geotech found that a reduction of the top-of-slope buffer to 10 feet was “suitable for the proposed fire pit project” and that the project “will not increase the threat of geological hazard to adjacent properties” (Pg. 2). **See Conditions of Approval in Section X of this report.**

- 4. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes where graded slopes would result in increased disturbance as compared to use of retaining wall;**
The proposed fire pit and seating wall are incorporated into the existing topography of the lawn area above the wall.
- 5. Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer;**
The new fire pit and seating area is 375 square feet of impervious area above the wall. The drainage for the fire pit is incorporated into that already constructed for the wall. The mitigation proposed is to install 2,100 square feet of new vegetation native vegetation in an area that is currently lawn and invasive plants.
- 6. Where change in grade outside the building footprint is necessary, the site retention system should be stepped and regrading should be designed to minimize topographic modification. On slopes in excess of 40 percent, grading for yard area may be disallowed where inconsistent with this criteria;**
The proposed fire pit and wall are proposed to minimize topographic modification are not located in a steep slope critical area.
- 7. Building foundation walls shall be utilized as retaining walls rather than rockeries or retaining structures built separately and away from the building wherever feasible. Freestanding retaining devices are only permitted when they cannot be designed as structural elements of the building foundation;**
No foundations are proposed.
- 8. On slopes in excess of 40 percent, use of pole-type construction which conforms to the existing topography is required where feasible. If pole-type construction is not technically feasible, the structure must be tiered to conform to the existing topography and to minimize topographic modification;**
No enclosed structure is proposed.

- 9. On slopes in excess of 40 percent, piled deck support structures are required where technically feasible for parking or garages over fill-based construction types; and**

No parking area or garage is proposed.

- 10. Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of LUC 20.25H.210.**

Planting on the slope related to the soldier pile wall construction has already been completed. The proposed 2,100 square feet of planting area is to migration the 375 square feet of the buffer impact from the fire pit. The planting is required to be maintained and monitored with the existing planting already guaranteed by an installation and maintenance surety. The installation surety will be released after planting installation and the maintenance surety will be released after the three-year monitoring, assuming restoration has been successful. The monitoring plan can be found in the conditions of approval at the end of this report. **See Conditions of Approval in Section X of this report.**

IV. Public Notice and Comment

Application Date:	February 3, 2012
Public Notice (500 feet):	February 16, 2012
Minimum Comment Period:	March 1, 2012

The Notice of Application for this project was published the City of Bellevue Weekly Permit Bulletin on February 16, 2012. It was mailed to property owners within 500 feet of the project site. No comments were received.

V. Summary of Technical Reviews

A. Clearing and Grading

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development and has approved the application.

VI. State Environmental Policy Act (SEPA)

A Determination of Non-Significance was issued on September 1, 2011 under prior approval 11-119016-LO which allowed the construction of a soldier pile wall and restoration planting in a steep slope critical area. The associated planting in the steep slope as part of the fire pit is covered by this prior SEPA determination. The construction of the fire pit is exempt from SEPA review.

VII. Changes to Proposal Due to Staff Review

No changes were requested.

VIII. Decision Criteria

A. 20.25H.255.B Critical Areas Report Decision Criteria

The Director may approve, or approve with modifications, a proposal to reduce the regulated critical area buffer on a site where the applicant demonstrates:

- 1. The proposal includes plans for restoration of degraded critical area or critical area buffer functions which demonstrate a net gain in overall critical area or critical area buffer functions;**

The 2,100 square feet of native planting will improve vegetation cover on the slope which provides slope stability and erosion protection.

- 2. The proposal includes plans for restoration of degraded critical area or critical area buffer functions which demonstrate a net gain in the most important critical area or critical area buffer functions to the ecosystem in which they exist;**

The most important critical area function for the slopes on this site which are slope stability and erosion control are improved.

- 3. The proposal includes a net gain in stormwater quality function by the critical area buffer or by elements of the development proposal outside of the reduced regulated critical area buffer;**

Stormwater quality will be improved by increased capture of runoff onto the slope from the vegetation to be installed. The drainage for the fire pit area will be incorporated into that installed for the wall.

- 4. Adequate resources to ensure completion of any required restoration, mitigation and monitoring efforts;**

The existing maintenance surety posted for the planting associated with soldier pile wall will be sufficient for the proposed planting and monitoring.

- 5. The modifications and performance standards included in the proposal are not detrimental to the functions and values of critical area and critical area buffers off-site; and**

The modifications and performance measures in this proposal are not detrimental to the functions and values of the steep slope.

- 6. The resulting development is compatible with other uses and development in the same land use district.**

The proposed modifications to the yard area to create a fire pit are allowed in this zone and are compatible with adjacent land uses. Noise generated by construction of the fire pit is limited to the hours of 7 am to 6 pm Monday through Friday and 9 am

to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited on Sundays or legal holidays unless expanded hours of operation are specifically authorized in advance. **See Conditions of Approval in Section X of this report.**

B. 20.30P.140 Critical Area Land Use Permit Decision Criteria – Decision Criteria

The Director may approve, or approve with modifications an application for a Critical Area Land Use Permit if:

1. The proposal obtains all other permits required by the Land Use Code.

The applicant must obtain required development permits. **See Conditions of Approval in Section X of this report.**

2. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer.

The fire pit utilizes the best available construction, design, and development techniques.

3. The proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable.

As discussed in Section III of this report, the applicable performance standards of LUC Section 20.25H are being met.

4. The proposal will be served by adequate public facilities including street, fire protection, and utilities.

The proposed activity will not impact public facilities.

5. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC Section 20.25H.210.

In order to mitigate for 374 square feet of permanent disturbance, 2,100 square feet of native planting is proposed in addition to that already installed for the soldier pile wall. A maintenance surety is already in place and the proposed planting will be monitored along with already installed plants. **See Conditions of Approval in Section X of this report.**

6. The proposal complies with other applicable requirements of this code.

As discussed in this report, the proposal complies with all other applicable requirements of the Land Use Code.

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the reduction of the 50-foot top-of-slope buffer to construct a fire pit and seating area with vegetation restoration within a steep slope critical area. **Approval of this Critical Areas**

Land Use Permit does not constitute a permit for construction. A building permit, clear and grade permit, and/or utility permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.

Note- Expiration of Approval: In accordance with LUC 20.30P.150 a Critical Areas Land Use Permit automatically expires and is void if the applicant fails to file for a building permit or other necessary development permits within one year of the effective date of the approval.

X. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Savina Uzunow, 425-452-7860
Land Use Code- BCC Title 20	Reilly Pittman, 425-452-4350
Noise Control- BCC 9.18	Reilly Pittman, 425-452-2973

The following conditions are imposed under the Bellevue City Code or SEPA authority referenced:

- 1. Building Permit:** Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. A post-issuance revision to the existing building permit for the soldier pile wall is required. Plans submitted as part of either permit application shall be consistent with the activity permitted under this approval.

Authority: Land Use Code 20.30P.140
Reviewer: Reilly Pittman, Development Services Department

- 2. Approved Buffer Modification:** The buffer modification approved is for 10 feet from the top-of-slope and is only for the proposed fire pit and seating area. This buffer modification does not allow future structures or improvements to be located in the buffer without approval of a Critical Areas Land Use Permit and/or geotechnical evaluation.

Authority: Land Use Code 20.30P.140
Reviewer: Reilly Pittman, Development Services Department

- 3. Geotechnical Recommendations:** The project shall be constructed per the recommended procedures and practices in the geotechnical report dated February 9, 2011 and the revision letters dated August 4, 2011 and August 18, 2011 and the supplemental letter dated January 25, 2012.

Authority: Land Use Code 20.30P.140
Reviewer: Reilly Pittman, Development Services Department

- 4. Maintenance and Monitoring:** The following monitoring plan is required for the mitigation planting associated with this approval and shall be incorporated into the plan already required for the existing planting restoration area. Monitoring reports should be mailed to:

Environmental Planning Manager
Development Services Department
City of Bellevue
PO Box 90012
Bellevue, WA 98009-9012

Goal:

Establish vegetation on the restored slope.

Objectives:

Plant 4 species of trees, 9 species of shrub, and 3 species of ground cover

Monitoring:

Annual monitoring reports are to be submitted to Land Use each year for three years, with maintenance occurring in all 3 years. Photos from selected photo points will be included in the monitoring reports to document the planting. The following schedule and performance standards apply:

Year 1 (one year from date of plant acceptance)

100% survival of all installed material or replanted in following dormant season to reestablish 100%

All installed large woody material shall be present and in the same location as when installed.

Year 2 (two years from date of plant acceptance)

90% survival of all installed material

Less than 10% coverage of planting area by invasive species or non-native/ornamental vegetation

Year 3 (three years from date of plant acceptance)

80% survival of all installed material

Less than 10% coverage by invasive species or non-native/ornamental vegetation

Authority: Land Use Code 20.30P.140; 20.25H.220

Reviewer: Reilly Pittman, Development Services Department

- 5. Land Use Inspection:** Following installation of planting the applicant shall contact Land Use staff to inspect the planting area prior to final building inspection. Staff will need to find that the plants are in a healthy and growing condition. Land Use inspection is also required to release the maintenance surety at the end of the 3-year monitoring period.

Release of the maintenance surety is contingent upon successful monitoring and maintenance.

Authority: Land Use Code 20.30P.140

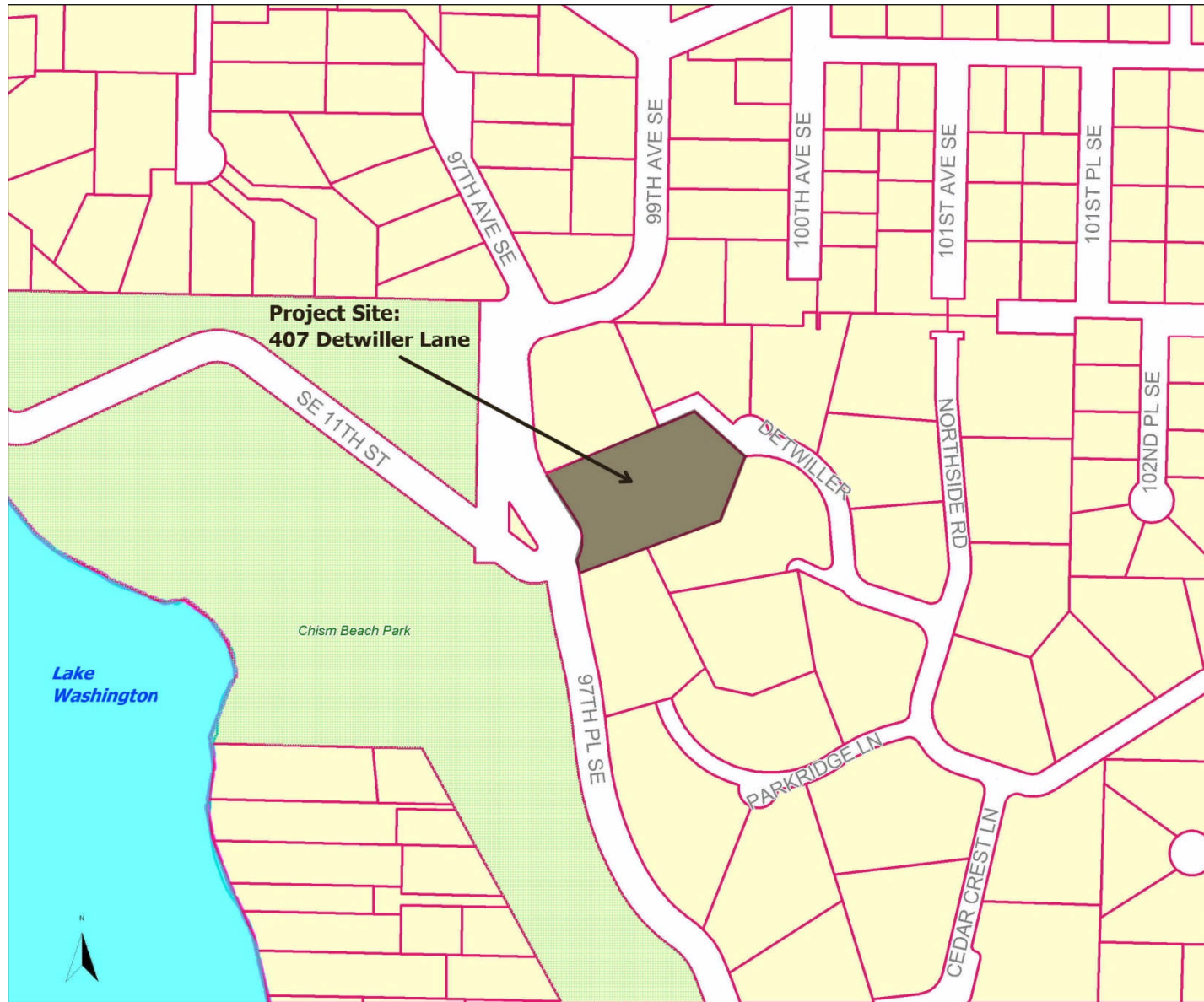
Reviewer: Reilly Pittman, Development Services Department

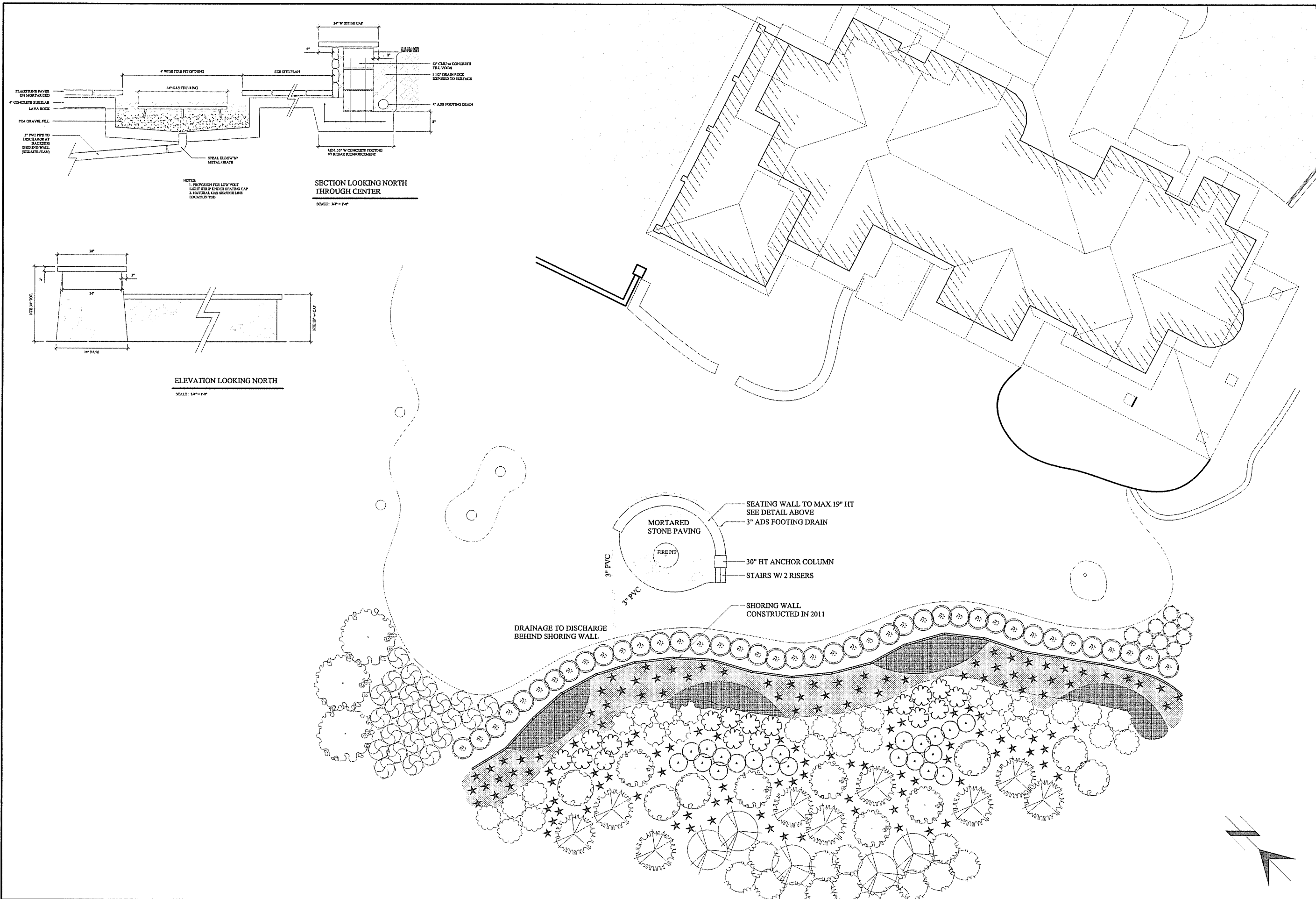
- 6. Noise Control:** Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited on Sundays or legal holidays unless expanded hours of operation are specifically authorized in advance. Requests for construction hour extension must be done in advance with submittal of a construction noise expanded exempt hours permit.

Authority: Bellevue City Code 9.18

Reviewer: Reilly Pittman, Development Services Department

**Scott Buffer Modification
File Number: 12-104815-LO**





Revisions	By
<div><div>SANDER GROVES</div><div>landscape services</div></div>	
20018 ne 50th street redmond, wa. 98053 tel: 425-868-2200 fax: 425-868-4212	
<div>THE SCOTT RESIDENCE</div> <div>407 Detwiller, Bellevue, WA</div> <div>FIRE PIT AND SEATING WALL LAYOUT</div>	
Date 12/22/11	
Scale 1/8" = 1'-0"	
Drawn RW/PH	
Sheet 1 of 1	
1 Sheets	

EXISTING PLANT KEY

TREES

SYMBOL	SCIENTIFIC NAME	COMMON NAME
VM	Acer circinatum	VINE MAPLE
BLM	Acer macrophyllum	BIG LEAF MAPLE
JM	Acer palmatum	JAPANESE MAPLE
AL	Alnus serrulata	ALDER
MAR	Arbutus menziesii	MADRONE
PL	Prunus lusitanica	PORTUGAL LAUREL
FIR	Pseudotsuga menziesii	DOUGLAS FIR
ARB	Thuja Occidentalis	EMERALD GREEN ARBORVITAE
CED	Thuja plicata	WESTERN RED CEDAR
HEM	Tsuga heterophylla	WESTERN HEMLOCK
MTH	Tsuga mertensiana	MOUNTAIN HEMLOCK

SHRUBS

SYMBOL	SCIENTIFIC NAME	COMMON NAME
FIL	Corylus avellana	FILBERT
RH	Rhododendron Spp.	RHODODENDRON

PROPOSED PLANT KEY

TREES

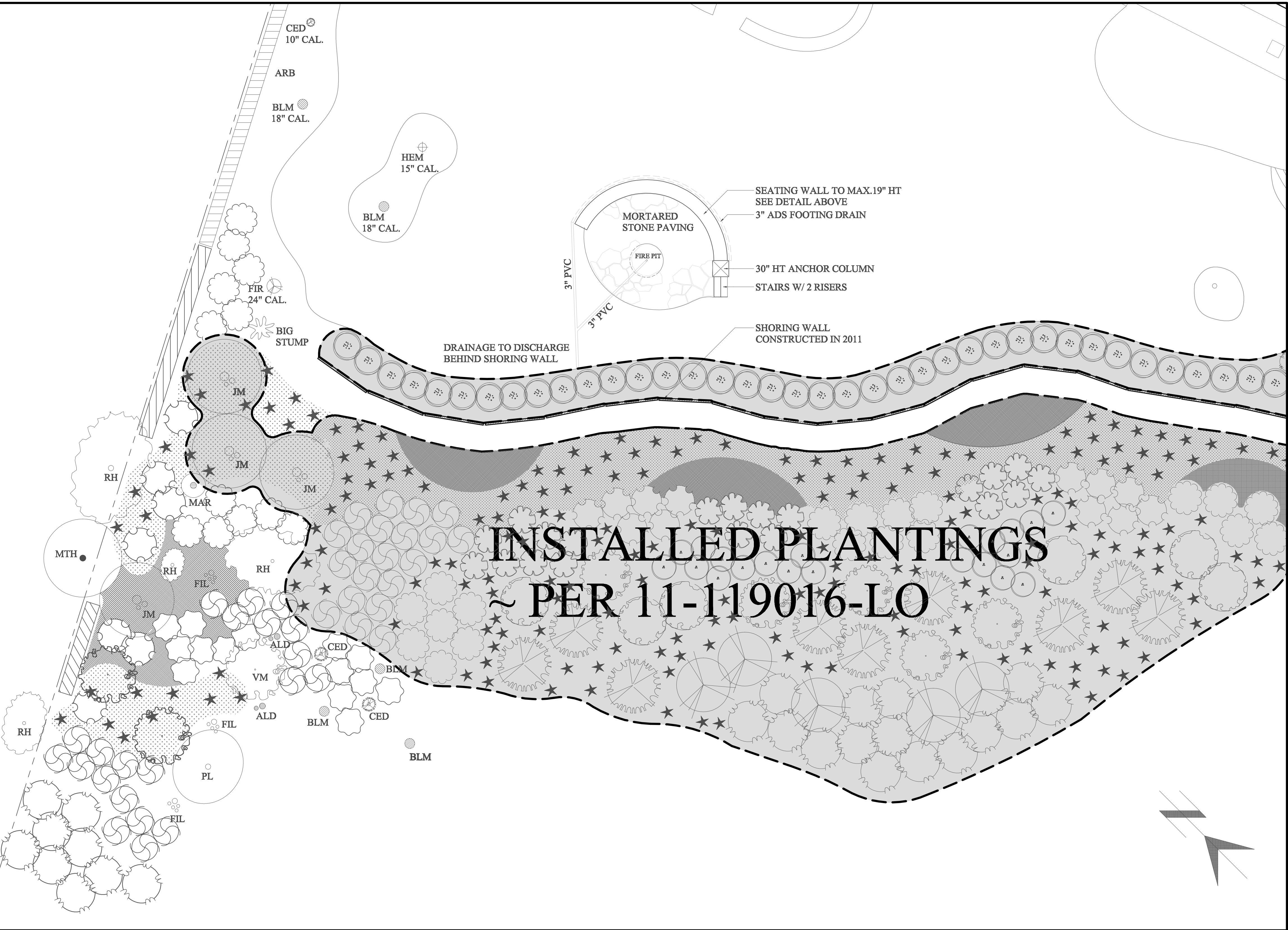
SYMBOL	SCIENTIFIC NAME	COMMON NAME	SIZE
	Acer circinatum	VINE MAPLE	5-6' multi-trunk
	Thuja Occidentalis	EMERALD GREEN ARBORVITAE	varies 4 - 9' ht

SHRUBS

SYMBOL	SCIENTIFIC NAME	COMMON NAME	SIZE
	Cornus sericea	RED-OSIER DOGWOOD	#5
	Ribes sanguineum	FLOWERING CURRANT	#5
	Salix elaeagnalis	SITKA WILLOW	#5
	Spiraea douglasii	DOUGLAS' SPIRAEA	#2
	Symphoricarpos Albus	SNOWBERRY	#5

GROUND COVERS & FERNS

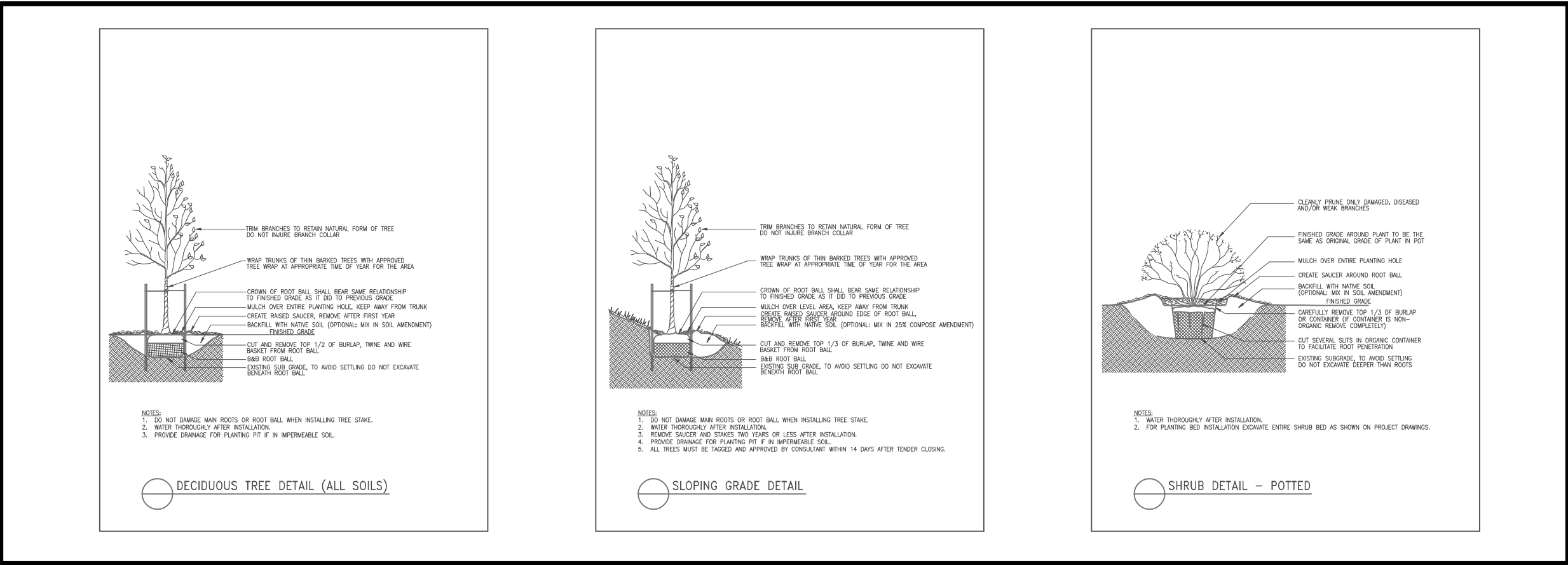
SYMBOL	SCIENTIFIC NAME	COMMON NAME	SIZE
	Gaultheria chalonii	SALAL	4"
	Mahonia nervosa	CASCADE OREGON GRAPE	4"
	Polysethenum munitum	WESTERN SWORD FERN	#1



NOTES

- 8' RESTRICTED BUFFER ON THE TOE SIDE OF THE SHORING WALL INCLUDES NO MAJOR VEGETATIVE PLANTINGS. TO BE PLANTED WITH FERNS AND GROUND COVERS THAT EXTEND NO MORE THAN 12" INTO THE NATIVE SOILS TO PREVENT REDUCING THE PASSIVE RESISTANCE CAPACITY IN FRONT OF THE WALL.
- TOPSOIL AMENDED AS NEEDED WITH SANDY LOAM AND COMPOST.
- ALL DISTURBED AREAS TO RECEIVE A 2" MULCH TOPDRESS FOR WATER RETENTION AND WEED CONTROL.
- ALL TREES TO BE STAKED.

PLANTING DETAILS



Revisions

By

SANDER GROVES

landscape services

20018 ne 50th street

redmond, wa. 98053

tel: 425-868-2200

fax: 425-868-4212

THE SCOTT RESIDENCE

407 Detweiler, Bellevue, WA

PLANTING MITIGATION PLAN

Date

12/22/1

Scale

1/8" = 1'-0"

Drawn

DL/VM

Sheet

2 of 2

2

Sheets